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Eastern District of New York

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September 8, 2021

By ECF

The Honorable Margo K. Brodie
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Federal Defenders of NY, Inc. v. Federal Bureau of Prisons, et al.*
Civil Docket No. 19-cv-660 (Brodie, Ch. J.)(Kuo, M.J.)

Dear Chief Judge Brodie:

This Office represents Defendants Federal Bureau of Prisons (“BOP”) and the Warden of the Metropolitan Detention Center (“MDC”) in the above-referenced matter. We write pursuant to the Court’s September 3, 2021 Order requiring Defendants to provide a status report ahead of the September 10, 2021 conference in this matter addressing legal access for individuals housed at the MDC and the Metropolitan Correctional Center in New York, New York (“MCC”).

A. Remote Legal Visitation¹

At present, both MDC and MCC continue to offer remote legal access by telephone and video-teleconference (VTC) every weekday, during the morning and afternoon.

Attorney Calls

MDC has completed installing additional telephone lines on every unit in the facility. To the extent there is an increase in telephone call requests, the MDC’s infrastructure should provide for the capacity to handle additional call requests.

VTCs

MDC continues to work on the expansion of VTC access. At present, there is an operable VTC unit on each housing unit in the MDC’s West Building. A second VTC unit has been physically installed in each unit and Computer Services has been working on creating the static IP addresses and other technical updates necessary for the operation of the additional VTC units.

¹ In-person legal visitation is currently available at MDC and MCC, by appointment and on a walk-in basis, seven days a week. Both facilities continue to take measures to ensure the safety of visitors, as detailed in our prior reports.

Defendants expect that the new, additional VTC units installed in each housing unit will be operational in the near future.

With respect to the East Building's Special Housing Unit (SHU), Defendants reported during last week's status conference that a private location for installation of a VTC unit has been determined. Defendants anticipate that construction of the infrastructure necessary to connect and activate the East SHU's VTC unit will take four to six weeks.

Defendants note that the VTC system is intended primarily for attorneys who cannot otherwise visit their clients in-person for health-related reasons, and the facilities encourage attorneys to continue to visit in-person as the primary method of legal visitation whenever possible. Upon review of the logs and data, the facilities have found that recently, there has been an increase in remote call requests from attorneys who visit the facility on a regular basis; while the MDC strives to accommodate all requests, remote access requests driven by convenience unfortunately result in timeslots being filled that should remain available for the Court and individuals with medical issues that prevent in-person visitation.

B. The Proposed Closure of the MCC

Two weeks ago, the Department of Justice announced the temporary closure of the MCC, the details of which remain under discussion. Given the recent notice to temporarily close the MCC and the fact that the decision-making process has only just begun, Defendants have no additional, publicly available information to furnish to the Court at this time. Defendants, however, continue to provide the mediation team with updates as they become available.

Defendants continue to work productively with Plaintiff and the mediation team, and we thank the Court for its consideration of this matter.

Respectfully submitted,

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